

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20
HA-05 IO-14 MCT-01 /095 W
-----114929 132039Z /70

R 121301Z JUL 78
FM AMEMBASSY NEW DELHI
TO SECSTATE WASHDC 2730
INFO AMEMBASSY KATHMANDU
AMEMBASSY DACCA
AMEMBASSY COLOMBO
AMEMBASSY ISLAMABAD

UNCLAS NEW DELHI 10667

E.O. 11652: N/A
TAGS: PGOV IN
SUBJECT: POSSIBLE PROSECUTION OF MRS. GANDHI FOR ALLEGED
EMERGENCY EXCESSES

1. THE CENTRAL BUREAU OF INVESTIGATION (CBI FILED
SIX FIRST INFORMATION REPORTS (FIRS) IN TWO LOCAL COURTS
JULY 11, INITIATING CRIMINAL CHARGES AGAINST FORMER PRIME
MINISTER INDIRA GANDHI, HER SON SANJAY, AND OTHER KEY
FIGURES OF THE EMERGENCY. ACCORDING TO PRESS REPORTS, THE
CHARGES IN THE FIRS WERE BASED ON THE INTERIM REPORTS OF
THE SHAH COMMISSION. THE CHARGES AGAINST MRS. GANDHI
INCLUDE CRIMINAL CONSPIRACY, FRAMING AN INCORRECT
DOCUMENT WITH INTENT TO CAUSE INJURY, TENDERING FALSE
EVIDENCE, KNOWINGLY DETAINING A PERSON ILLEGALLY AND
CRIMINAL INTIMIDATION, ALL IN CONNECTION WITH THE DETENTION OF
OPPOSITION LEADERS DURING THE EMERGENCY. SHE ALSO FACES
A CHARGE OF OBSTRUCTING A PUBLIC SERVANT IN DISCHARGE OF
PUBLIC FUNCTIONS IN THE MATTER OF ALLEGED HARASSMENT
OF GOVERNMENT OFFICIALS INVESTIGATING MARUTI LTD.
SANJAY IS CHARGED WITH TWO TYPES OF MISCHIEF AND
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TWO TYPES OF HOUSE-TRESPASS RELATING TO THE DEMOLITION
OF HOUSES IN DELHI. UNDER INDIAN LEGAL PROCEDURE, WITH
THE FILING OF THE FIRS THE CBI WILL NOW FORMALLY
INVESTIGATE THE SIX CASES AND COLLECT EVIDENCE, AFTER
WHICH A CHARGE SHEET WILL BE PREPARED AND THE CASES
BROUGHT TO COURT. NEWS STORIES HAVE CITED UNNAMED
OFFICIAL SOURCES SAYING THAT NO ARRESTS WOULD COME

BEFORE THE CHARGE SHEETS ARE FILED IN COURT AND ONE STORY CITED CBI SOURCES INDICATING THAT THE INVESTIGATIONS WOULD TAKE A FEW WEEKS.

2. THE FIRST FIR RELATES TO THE ARREST AND DETENTION OF THE THEN LEADERS THE OPPOSITION. ACCUSED ARE MRS. GANDHI; R.K. DHAWAN, FORMER ADDITIONAL SECRETARY ON HER STAFF, EX-DEFENSE MINISTER BANSI LAL; THE FORMER CHIEF MINISTERS OF PUNJAB AND RAJASTHAN, ZAIL SINGH AND HARIDEO JOSHI; FORMER PETROLEUM MINISTER P.C. SETHI; THE LATE KRISHAN CHAND, THEN LT. GOVERNOR OF DELHI AND WHO IS THOUGHT TO HAVE COMMITTED SUICIDE THIS PAST SUNDAY); AND OTHERS. THEY ARE CHARGED WITH CRIMINAL CONSPIRACY UNDER SECTION 120(B) OF THE INDIAN PENAL CODE (IPC) AND WITH VIOLATIONS OF VARIOUS OTHER SECTIONS OF THE IPC SUCH AS SECTION 167 (PUBLIC SERVANTS FRAMING AN INCORRECT DOCUMENT WITH THE INTENT TO CAUSE INJURY), SECTION 189 (THREAT OF INJURY TO PUBLIC SERVANTS), SECTION 193 (TENDERING OF FALSE EVIDENCE), SECTION 220 (KNOWINGLY DETAINING A PERSON ILLEGALLY), 344 (WRONGFUL CONFINEMENT) AND 466 (FORGERY OF A COURT OF PUBLIC RECORD), 471 (USING FORGED DOCUMENTS), SECTION 506 (CRIMINAL INTIMIDATION) AND SECTION 52 OF THE PREVENTION OF CORRUPTION ACT.

3. THE SECOND FIR CONCERNS THE ARREST AND DETENTION
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OF THE LATE BHIM SEN SACHER, FORMER CHIEF MINISTER OF PUNJAB. THE ACCUSED ARE MRS. GANDHI, DHAWAN, FORMER DELHI DEPUTY DIRECTOR-GENERAL OF POLICE P.S. BHINDER AND THE LATE KRISHAN CHAND. THEY ARE CHARGED UNDER SECTION 120(B) OF THE IPC READ WITH SECTIONS 167, 220, 344, 466 AND 471 OF THE IPC.

4. THE THIRD FIR DEALS WITH THE ARREST AND DETENTION OF A NEHRU UNIVERSITY STUDENT. BHINDER AND OTHERS ARE CHARGED UNDER THE SECTIONS CITED IN PARA 3.

5. THE FOURTH FIR ALLEGS THAT FORMER INFORMATION AND BROADCASTING MINISTER V.C. SHUKLA ABUSED HIS AUTHORITY TO ACQUIRE VALUABLE POSTER DESIGNS MADE BY ARTISTS OF THE DIRECTORATE OF ADVERTISING AND VISUAL PUBLICITY. HE IS CHARGED UNDER SECTION 52 OF THE PREVENTION OF CORRUPTION ACT AND SECTION 153 OF THE REPRESENTATION OF THE PEOPLE ACT.

6. THE FIFTH FIR ACCUSES SANJAY GANDHI; JAGMOHAN, FORMER VICE CHAIRMAN OF THE DELHI DEVELOPMENT AUTHORITY; AND OTHERS WITH HAVING UNLAWFULLY

DEMOLISHED HOUSES IN DELHI. THEY ARE CHARGED UNDER SECTIONS 167, 427 (MISCHIEF CAUSING DAMAGE OF MORE THAN 50 RUPEES), 440 (MISCHIEF COMMITTED AFTER PREPARATION MADE FOR CAUSING INJURY), 448 (HOUSE-TRESPASS) 452 (HOUSE-TRESPASS AFTER PREPARATION FOR INJURY), 506 ,466 AND 109 (ABETMENT) OF THE IPC READ WITH SECTION 120(B).

7. THE SIXTH FIR RELATES TO ALLEGED HARASSMENT OF A SENIOR OFFICIAL OF THE THEN INDUSTRIAL DEVELOPMENT MINISTRY AND OTHER OFFICIALS, INCLUDING CUSTOMS INSPECTORS INVESTIGATING MARUTI LTD. AND TEXTILE INSPECTORS. ACCUSED ARE MRS. GANDHI, DHAWAN, D. SEN, FORMER CBI DIRECTOR AND FORMER CBI JOINT DIRECTOR UNCLASSIFIED

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A.B. CHOUDHURY. ALL ARE CHARGED UNDER SECTIONS 167, 182 (PROVIDING FALSE INFORMATION TO A PUBLIC SERVANT WITH THE INTENT HE SHOULD USE HIS LAWFUL POWER TO INJURE ANOTHER PERSON), 186 (OBSTRUCTING A PUBLIC SERVANT IN DISCHARGE OF PUBLIC FUNCTIONS), 189, 211 (FALSE CHARGE OF OFFENCE MADE WITH INTENT TO INJURE) AND 448 OF THE IPC READ WITH SECTION 120(B).
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TAGS: PGOV, IN, (GANDHI, INDIRA)
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